

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

BRETT SWEETING, :  
: Petitioner, : CIVIL NO. 3:CV-08-1794  
: V. : (JUDGE VANASKIE)  
DAVID DIGUGLIELMO, :  
: Respondent. :  
:

MEMORANDUM

Background

Brett Sweeting ("Petitioner"), an inmate presently confined at the State Correctional Institution, Graterford, Pennsylvania ("SCI-Graterford"), initiated this pro se habeas corpus petition pursuant to [28 U.S.C. § 2254](#). The required filing fee has been paid.

Sweeting states that he was convicted of drug trafficking crimes in the Court of Common Pleas for Lycoming County in 1994 following a jury trial. He received a sentence of ten (10) to twenty-seven (27) years in prison.

It appears that his action may be barred by the one-year statute of limitations set forth in [28 U.S.C. § 2244\(d\)\(1\)](#). The Court will therefore direct Respondent to file a response addressing whether the petition is timely. Petitioner will be granted an opportunity to file a reply to the Respondent's submission. See [United States v. Bendolph](#), 409 F.3d 155, 169 (3d Cir.

2005) (en banc) (a district court may raise the one-year statute of limitations on its own motion, provided that the petitioner is furnished notice and an opportunity to respond). Respondent will not be required to address the merits of the petition until the limitations issue is resolved.

NOW, THEREFORE, THIS 18th DAY OF DECEMBER, 2008, IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to serve a copy of the Petition (Dkt Entry # 1 & 2) and this Order on the Respondent and the District Attorney for Lycoming County.
2. Within twenty (20) days of this Order, Respondent shall file a response, addressing whether Petitioner's habeas petition is timely filed.
3. Petitioner is granted fifteen (15) days from the date of Respondent's submission to file a reply.

s/ Thomas I. Vanaskie  
Thomas I. Vanaskie  
United States District Judge